

PATENT

Applicant: ANDREW A. FRANK  
Serial No.:  
Filed:  
Title: CONTROL METHOD AND APPARATUS FOR INTERNAL COMBUSTION ENGINE  
ELECTRIC HYBRID VEHICLES  
Group:  
Examiner:  
Docket No. UC98-194-2US

**COMBINED DECLARATION AND POWER OF ATTORNEY**

(ORIGINAL, DESIGN, SUPPLEMENTAL, NATIONAL STAGE OF PCT, DIVISIONAL,  
CONTINUATION OR CONTINUATION-IN-PART)

As a below named inventor, I hereby declare that:

**TYPE OF DECLARATION**

This declaration is of the following type:

- ☐ original (regular)
- ☐ design
- ☒ supplemental-continuation of PCT Application in the U.S.

NOTE: If the declaration is for an International Application being filed as a divisional, continuation, or continuation-in-part, do not check the next item; check appropriate one of last three items.

- ☐ national stage of PCT
- ☐ divisional
- ☐ continuation
- ☐ continuation-in-part

**INVENTORSHIP IDENTIFICATION**

WARNING: If the inventors are each not the inventors of all of the claims, an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.

My residence, post office address, and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention described in

### SPECIFICATION IDENTIFICATION

- ☐ the specification filed herewith by the above-named inventors, with the title listed above.
- ☒ the specification filed herewith by the above-named inventors, with the title listed above, and which was amended by the Preliminary Amendment filed herewith.
- ☐ the specification identified above, as amended by the Preliminary Amendment filed herewith.
- ☐ the specification identified above, and which was amended on \_\_\_\_\_.
- ☒ PCT International Application No. PCT/US99/09880 filed on 19 APRIL 1999, and amended under PCT Article 19 on N/A (if applicable).

### ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56.

### PRIORITY CLAIM (35 U.S.C. § 119(a)-(d))

I hereby claim foreign priority benefits under 35 U.S.C. §§ 119(a)-(d) of any foreign application(s) for patent or inventor's certificate or under 35 U.S.C. § 365(b) of any PCT international application(s) designating at least one country other than the United States of America listed below, and have also identified below any foreign application(s) or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

- ☒ no such applications have been filed.
- ☐ such application have been filed as follows.

### PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. § 119(a)-(d)

COUNTRY (OR INDICATE IF PCT)	APPLICATION NUMBER	FILING DATE (day, month, year)	PRIORITY CLAIMED UNDER 37 U.S.C. § 119	
			<input type="checkbox"/> YES	<input type="checkbox"/> NO
			<input type="checkbox"/> YES	<input type="checkbox"/> NO
			<input type="checkbox"/> YES	<input type="checkbox"/> NO
			<input type="checkbox"/> YES	<input type="checkbox"/> NO

**CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)**  
**(35 U.S.C. § 119(e))**

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional applications (s) listed below:

PROVISIONAL APPLICATION SERIAL NUMBER      FILING DATE OF PROVISIONAL APPLICATION


**CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATIONS**  
**UNDER 35 U.S.C. 120**

(complete this part only if this is a divisional, continuation, CIP or national stage of PCT)

I/We hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability under 37 C.F.R. § 1.56, which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

**PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS**  
**DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. 120:**

**1. U.S. Applications:**

SERIAL NUMBER	FILING DATE
<b>09/063,993</b>	<b>21 APRIL 1998</b>

**2. PCT Applications Designating The U.S.**

PCT APPLICATION NUMBER	PCT FILING DATE	U.S. SERIAL NUMBER
<b>PCT/US99/09880</b>	<b>19 APRIL 1999</b>	

### POWER OF ATTORNEY

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith.

John P. O'Banion  
James M. Ritchey  
Steven L. Smith  
Rodger H. Rast

Registration No. 33,201  
Registration No. 32,594  
Registration No. 44,343  
Registration No. 45,853

Attached as part of this declaration and power of attorney is the authorization of the above-named attorney to accept and follow instructions from my representative(s).

### SEND CORRESPONDENCE TO:

John P. O'Banion  
O'BANION & RITCHEY LLP  
400 Capitol Mall, Suite 1550  
Sacramento, CA 95814

### DIRECT TELEPHONE CALLS TO:

John P. O'Banion  
(916) 498-1010

### DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

### SIGNATURE(S)

Full name of sole or first inventor: ANDREW A. FRANK

Inventor's Signature: Andrew A. Frank

Date: 9/19/00 Country of Citizenship: UNITED STATES

Residence: EL MACERO, CALIFORNIA

P.O. Address: 44578 COUNTRY CLUB DRIVE, EL MACERO, CA 95618

Full name of second joint inventor, if any:

Inventor's Signature: \_\_\_\_\_

Date: \_\_\_\_\_ Country of Citizenship: UNITED STATES

Residence:

P.O. Address:

006772000 100200

CHECK PROPER BOX(ES) FOR ANY OF THE FOLLOWING ADDED PAGE(S) WHICH FORM A PART  
OF THIS DECLARATION

- ☐ Signature for third and subsequent joint inventors.  
Number of pages added \_\_\_\_\_.
- ☐ Signature by administrator(trix), executor(trix) or legal representative for deceased or  
incapacitated inventor.  
Number of pages added \_\_\_\_\_.
- ☐ Signature for inventor who refuses to sign or cannot be reached by person authorized  
under 37 CFR 1.47.  
Number of pages added \_\_\_\_\_.
- ☐ Signature by one joint inventor on behalf of deceased inventor(s) where legal  
representative cannot be appointed in time under 37 CFR 1.47.  
Number of pages added \_\_\_\_\_.
- ☐ Authorization of attorney(s) to accept and follow instructions from representative.

☒ This Declaration ends with this page.

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PATENT

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ELECTRIC HYBRID VEHICLES  
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Examiner:  
Docket No. UC98-194-2US

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9(f) and 1.27(b))-INDEPENDENT INVENTOR**

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for the purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention described in

☒ the specification filed herewith, with the title listed above.

☐ the application identified above.

☐ the patent identified above.

I have not assigned, granted, conveyed or licensed, and I am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or to any organization who could not qualify as a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

☐ no such person, concern, or organization

☒ persons, concerns or organizations listed below<sup>1</sup>

NAME: The Regents of the University of California  
ADDRESS: 1111 Franklin Street, 12<sup>th</sup> Floor  
Oakland, CA 94607-5200

☐ Individual      ☐ Small Business Concern      ☒ Nonprofit Organization

<sup>1</sup> Separate verified statements are required from each named person, concern or organization having rights to an invention averring to their status as small entities (37 CFR 1.27).

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Inventor: ANDREW A. FRANK

Andrew A. Frank  
Signature of Inventor

Date: 9/19/00

0967288-100200

PATENT

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**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9(f) AND 1.27(d) - NONPROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION: The Regents of the University of California  
ADDRESS OF ORGANIZATION: 1111 Franklin Street, 12<sup>th</sup> Floor  
Oakland, CA 94607-5200

TYPE OF ORGANIZATION

- ☒ UNIVERSITY OR OTHER INSTITUTION OF HIGHER LEARNING
- ☒ TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE [26 USC 501(a) and 601(c)(3)]
- ☐ NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OR THE UNITED STATES OF AMERICA  
[ ] NAME OF STATE: \_\_\_\_\_  
[ ] CITATION OF STATUTE: \_\_\_\_\_
- ☐ WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA  
[ ] NAME OF STATE: \_\_\_\_\_  
[ ] CITATION OF STATUTE: \_\_\_\_\_

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under Section 41(a) or (b) of Title 35, United States Code, with regard to the invention described in

- ☒ the specification filed herewith, with the title listed above.
- ☐ the application identified above.
- ☐ the patent identified above.

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the invention identified above.



If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below<sup>1</sup> and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

NAME: \_\_\_\_\_ N/A  
ADDRESS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
☐ Individual    ☐ Small Business Concern    ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28)

I hereby declare that all statements made herein of my own knowledge are and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Linda S. Stevenson  
TITLE IN ORGANIZATION: Manager, Patent Prosecution  
ADDRESS OF PERSON SIGNING: Office of the President  
University of California  
1111 Franklin Street, 5<sup>th</sup> Floor  
Oakland, CA 94607-5200

SIGNATURE: Linda S. Stevenson    DATE: September 22, 2000

<sup>1</sup> Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities (37 CFR 1.27).

PATENT

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Examiner:  
Docket No. UC98-194-2US

POWER OF ATTORNEY BY ASSIGNEE  
AND EXCLUSION OF INVENTOR(S) UNDER 37 C.F.R. 3.71

Dear Sir:

The undersigned assignee of the entire interest in the above-identified subject application hereby appoints

John P. O'Banion, Reg. No. 33,201

as its attorney to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventors and their attorney(s) in accordance with the provisions of 37 C.F.R. 3.71.

An assignment of the entire interest in the above-identified subject application:

- ☐ was recorded on \_\_\_\_\_ at reel/frame \_\_\_\_\_ / \_\_\_\_\_.  
☒ is submitted herewith for recording.

Please direct all telephone calls to John P. O'Banion at (916) 498-1010 and all correspondence relative to said application to the following address:

John P. O'Banion, Esq.  
O'BANION & RITCHEY LLP  
400 Capitol Mall, Suite 1550  
Sacramento, CA 95814

Dated: September 22, 2000

ASSIGNEE: THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

Signature: Linda S. Stevenson

Typed Name: Linda S. Stevenson

Title: Manager, Patent Prosecution  
Office of the President  
University of California  
1111 Franklin Street, 5<sup>th</sup> Floor  
Oakland, CA 94607-5200

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ASSIGNEE CERTIFICATION UNDER 37 C.F.R. 3.73(b)

In accordance with 37 C.F.R. 3.73(b), the assignee hereby certifies that the evidentiary documents with respect to its ownership have been reviewed and that, to the best of the assignee's knowledge and belief, title is in the assignee seeking to take this action.

Dated: September 22, 2000

ASSIGNEE: THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

Signature: Linda S. Stevenson

Typed Name: Linda S. Stevenson

Title: Manager, Patent Prosecution  
Office of the President  
University of California  
1111 Franklin Street, 5<sup>th</sup> Floor  
Oakland, CA 94607-5200

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**CERTIFICATE OF MAILING BY FIRST CLASS MAIL (37 CFR 1.8)**Applicant(s): **ANDREW A. FRANK**

Docket No.

**UC98-194-2US**

Serial No.

**09/677,288**

Filing Date

**OCTOBER 2, 2000**

Examiner

Group Art Unit

Invention: **CONTROL METHOD AND APPARATUS FOR INTERNAL COMBUSTION ENGINE  
ELECTRIC HYBRID VEHICLES**I hereby certify that this **CITATIONS (3)***(Identify type of correspondence)*

is being deposited with the United States Postal Service as first class mail in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231 on

**11/28/00**  
*(Date)***JOHN P. O'BANION***(Typed or Printed Name of Person Mailing Correspondence)*  
*(Signature of Person Mailing Correspondence)***Note: Each paper must have its own certificate of mailing.**